

## SENATE BILL No. 350

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-15.

**Synopsis:** Religious exemption from use of a funeral director. Exempts licensed physicians who are members of or who serve a religious group that is opposed to using the services of a funeral director from having to be licensed as a funeral director to perform funeral services such as preparing and holding human remains for disposition and supervising a funeral for the disposition of human remains. Prohibits a physician providing funeral services from charging more than the cost of the services. Requires a physician providing funeral services to obtain the services of a funeral director to the extent the physician lacks the skills or facilities to provide the funeral services in a manner that is consistent with the public health and safety. Prohibits a physician from providing funeral services if the services are  
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**Effective:** July 1, 1999.

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**Wolf**

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January 8, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

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provided as part of a relationship between the physician and a corporation. Allows a local health official to issue a permit for the disposition of a body to a physician allowed to provide funeral services because of religious considerations.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 350

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 25-15-2-10 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. As used in this
- 3 chapter, "exempted person" means a person that does not perform any
- 4 funeral services other than one (1) or more of the following:
- 5 (1) Sells, as a seller licensed under IC 30-2-13 or an agent or a
- 6 representative of a seller:
- 7 (A) funeral merchandise described in IC 30-2-13-8 at need; or
- 8 (B) funeral merchandise defined in IC 30-2-13-8 under a
- 9 certificate of authority authorized by IC 30-2-13-33 and not
- 10 funeral services defined in section 17(1), 17(2), or 17(3) of
- 11 this chapter unless they are funeral services (as defined in
- 12 IC 30-2-13-8) and ratified as required by IC 30-2-13-20.
- 13 (2) Cremates human remains but does not conduct a funeral
- 14 service in conjunction with the cremation.
- 15 (3) Cremates human remains or holds human remains less than



forty-eight (48) hours for the purpose of cremating the human remains without a funeral service or memorial service in conjunction with the final disposition of the cremated remains.

(4) Performs services for a morgue in a hospital or other facility licensed under IC 16-21 that are directly related to the purposes of the hospital or other facility.

(5) Performs services for a school of mortuary science that are directly related to an educational purpose.

(6) Arranges, supervises, or conducts a religious or memorial service for a deceased individual if:

(A) the human remains of the deceased individual are not present at the service; and

(B) final disposition of the deceased individual's human remains has been or will be completed under the authority of a funeral director having obtained a burial permit issued by the state of Indiana.

(7) Conducts a religious or memorial service with the human remains of the deceased individual present if the funeral is arranged and directly supervised by a funeral director.

(8) If the person is a cemetery, sells or offers advice concerning methods or alternatives available for final disposition of human remains.

**(9) Performs funeral services other than those specified by section 17(4), 17(5), or 17(6) of this chapter for a bona fide religious group whose beliefs oppose using a professional funeral director, if the person:**

**(A) is a physician licensed under IC 25-22.5 and:**

**(i) is a member of the religious group; or**

**(ii) regularly provides services to the religious group's community;**

**(B) disposes of the human remains of a member of the religious group in a manner consistent with public health and safety;**

**(C) does not charge an amount that exceeds the costs associated with the provision of the funeral services;**

**(D) has a funeral director provide funeral services to the extent the physician lacks the skills or facilities to provide those services in a manner that is consistent with public health and safety; and**

**(E) does not provide services to the religious group as part of a relationship between the physician and a corporation.**

SECTION 2. IC 25-15-8-25 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. A local health  
2 officer may issue a permit under IC 16-37-3-10 only to **a physician**  
3 **described in IC 25-15-2-10(9)**, a funeral director acting as an agent,  
4 or a funeral home licensee or another individual acting under the direct  
5 supervision of a funeral director who is an agent of a funeral home  
6 licensee.

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